

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3729 - HB 3758

March 4, 2010

SUMMARY OF BILL: Requires the Department of Mental Health and Developmental Disabilities (DMHDD) to provide written notice of its intent to propose legislation to permit immediate or gradual closure of any state-owned or -operated facility that provides residential services to persons with mental retardation or other developmental disabilities to the Fiscal Review Committee 60 days prior to the legislative session. The same notice must be sent by first class mail to each resident and the resident's immediate family or guardian. Prohibits DMHDD from closing a state-owned or -operated facility without legislative action for that purpose.

In the event of a health or safety emergency or a federal action requiring or necessitating the immediate or gradual closure of a facility, DMHDD may seek relief from the provisions of the bill in the chancery court of the county in which the facility is located if DMHDD has provided written notice to the residents and the residents' immediate family or guardians at least 10 days prior to filing a petition with the court. All interested parties with standing to act on behalf of a resident shall have standing in the court proceedings regarding the closure of the facility. Any interested parties with standing to act on behalf of a resident who chooses to challenge the actions or decisions of DMHDD regarding the notice requirements or closure of a facility will have a cause of action in the chancery court of the county in which the facility is located or in the Davidson County Chancery Court. An interested party may seek compensatory damages and attorney fees, but punitive damages are not allowable.

ESTIMATED FISCAL IMPACT:

MINIMAL

Assumptions:

- Executive Orders 9 (signed February 7, 1996), 10 (signed October 14, 1996), 21 (signed July 29, 1999), and 30 (signed March 8, 2002) transferred the Division on Mental Retardation Services, which is now known as the Division of Intellectual Disabilities Services, to the Department of Finance and Administration from the Department of Mental Health and Developmental Disabilities.
- The management and operation of the developmental centers was transferred at that time. These residential facilities are for persons with mental retardation or developmental disabilities.

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- According to DMHDD, the department is not responsible for any residential facilities for persons with mental retardation or developmental disabilities.
- No fiscal impact on state government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a more compact, stylized manner.

James W. White, Executive Director

/kml